

REMARKS

Claims 1-7 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,119,813 to Yabe et al. (hereinafter Yabe) and Japanese JP-A-36875 (hereinafter JP '875) considered separately. Applicant respectfully traverses these rejections in view of the following arguments.

Claim 1 sets forth a lubricating member that is used at temperatures not higher than 70°C. Neither Yabe nor JP '875 teaches or suggests a lubricating member which is only used at temperatures not higher than 70°C. The Examiner does not assert that either Yabe or JP '875 specifically disclose this feature; instead, the Examiner asserts that food processing machines operate at room temperatures, and therefore below 70°C. However, this assertion is not supported by the Examiner, nor the references. Even if a food processor as a whole works at room temperature, the portion of the food processing machine where the lubricating member works does not necessarily operate at room temperature. The lubricating member works in portions of the food processor in which there is friction between parts. The friction between the parts causes the surrounding area to heat up beyond room temperature. Yabe specifically recognizes that frictional heat is produced and that the frictional heat influences the lubricant. (See column 7, lines 53-64) In the cited references, even if parts of the food processor work at room temperature, the part where the lubricating member is used may be heated beyond room temperature and beyond 70°C.

In addition to being heated as a result of friction between parts, food processing machines are also heated when they perform processes such as boiling, baking, frying, crisping and the like. All of these processes also heat up at least portions of the food processing machine. When friction or a heating process heats the lubricating member above 70°C, the risk to human beings is greatly increased. (See Specification page 1, line 24 to page 2, line 6 and page 4 lines 7-17) The subject application takes into consideration the heat generated by friction and heating processes. Accordingly, claim 1 is directed at a method in which the lubricating member is used at a temperature not higher than 70°C. This feature of claim 1 protects against melting of the resin used in the lubricating member and assures the safety of the food processor. Nothing in either of the references cited by the Examiner teaches or suggests a lubricating member that is used only at temperatures of 70°C or below; rather the lubricant in the cited references may be heated above 70°C by friction or a heating process. Thus, the cited references do not sufficiently protect users of the food processor. Neither Yabe nor JP '875 teaches or suggests the 70°C limit to the operating temperature of the lubricating member as recited in claim 1, either separately as considered by the Examiner, or in combination. Therefore, claim 1 is not obvious in light of the cited references, and the Examiner's rejection of claim 1 is improper. Claims 2-7 depend from claim 1 and are allowable at least because of their dependency.

Conclusion

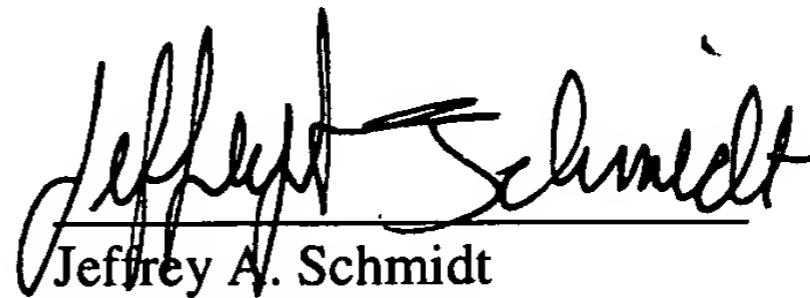
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response Under 37 C.F.R. § 1.116
U.S. Appln No. 09/816,774

Atty Dkt No. Q63733

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, reading "Jeffrey A. Schmidt". The signature is written in a cursive, flowing style. The first name "Jeffrey" is written with a large, prominent "J" and "A" is written in a smaller, more compact script. The last name "Schmidt" is written in a similar cursive style, with a large "S" and "M".

Jeffrey A. Schmidt
Registration No. 41,574

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 30, 2004